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EXAMINER

ARSHAD, UMAR

ART UNIT PAPER NUMBER

2174

7

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,372

Applicant(s)

TAKIGUCHI, HIDEO

Examiner

Umar Arshad

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 – 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said display" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said display" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said display" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said display" in lines 4 – 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 7, 11 – 19, and 23 – 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al., U.S. Patent No. 6,680,749.

As per claim 1, Anderson et al., ("Anderson") teach an image processing apparatus comprising:

KK fetching means for fetching ~~in~~ a reduced image from a storage medium in which a stored image and the reduced image corresponding to said stored image are stored (see Anderson, column 5, lines 55 – 57 and column 6, line 67 – column 7, line 4);

first display control means for displaying the reduced image fetched by said fetching means in a display (see Anderson, figure 13, item 852 and column 12, lines 52 – 55);

indication means for indicating the reduced image to be subjected to a specific image processing from said reduced image displayed in said display (see Anderson, column 13, lines 1 – 5);

second display control means for displaying an image in a size larger than a size of the reduced image indicated by said indication means (see Anderson, figure 13, item 854 and column 12, lines 52 – 55); and

execution means for executing said specific image processing on said stored image after said second display control means displays the image in the size larger than the size of said reduced image (see Anderson, column 12, lines 65 – 66 and column 13, 17 – 21).

As per claim 2, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson further teaches the image processing apparatus according to claim 1 wherein said second display control means displays said stored image corresponding to the reduced image indicated by said indication means (see Anderson, column 13, lines 15 – 17).

As per claim 3, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson further teaches the image processing

apparatus according to claim 1 wherein said second display control means displays any one image among the images to be displayed in said display (see Anderson, column 12, lines 65 – 66).

As per claim 4, which is dependent on claim 3, Anderson teaches the apparatus of claim 3 (see rejection above). Anderson further teaches the image processing apparatus according to claim 3 wherein an indicator for changing the image to be displayed in said display is displayed (see Anderson, figure 13, “Select” and “Save as copy”).

As per claim 5, which is dependent on claim 3, Anderson teaches the apparatus of claim 3 (see rejection above). Anderson further teaches the image processing apparatus according to claim 3, further comprising display change means for successively automatically changing the image to be displayed in said display (see Anderson, column 9, lines 46 – 63).

As per claim 6, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson further teaches the image processing apparatus according to claim 1, further comprising execution instruction means for instructing said specific image processing to be actually performed in the image displayed in said display by said second display control means, wherein said execution means executes said specific image processing on the image for which the execution is

instructed by said execution instruction means (see Anderson, column 13, lines 15 – 20).

As per claim 7, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson further teaches the image processing apparatus according to claim 1 wherein said specific image processing is a printing processing (see Anderson, column 13, lines 20 – 21).

As per claim 11, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson further teaches the image processing apparatus according to claim 1 wherein said specific image processing is a transfer processing of transferring said stored image to a desired storage region (see Anderson, column 13, lines 20 – 21).

As per claim 12, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson further teaches the image processing apparatus according to claim 1 wherein said storage medium is included in a digital camera (see Anderson, column 4, lines 43 – 45 and column 6, lines 2 – 5).

As per claims 13 – 19, 23, and 24, they are of similar scope to claims 1 – 7, 11 and 12, respectively, and are rejected under the same rationale (see rejections above).

As per claim 25, which is dependent on claim 13, Anderson teaches the method of claim 13 (see rejection above). Anderson further teaches a storage medium wherein a program for executing the image processing method according to claim 13 by a computer is stored (see Anderson, column 5, line 66 – column 6, line 5).

As per claim 26, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

As per claim 27, which is dependent on claim 26, Anderson teaches the apparatus of claim 26 (see rejection above). Anderson further teaches the image processing apparatus according to claim 26 wherein said second display control means displays an image having a size larger than that of said reduced image (see Anderson, figure 13, item 854 and column 12, lines 52 – 55).

As per claim 28, which is dependent on claim 26, Anderson teaches the apparatus of claim 26 (see rejection above). Anderson further teaches the image processing apparatus according to claim 26 wherein said second display control means enlarges and displays at least a part of said reduced image (see Anderson, figure 13, item 854 and column 12, lines 52 – 55).

As per claim 29, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

As per claim 30, it is of similar scope to claim 27 and is rejected under the same rationale as claim 27 (see rejection above).

As per claim 31, it is of similar scope to claim 28 and is rejected under the same rationale as claim 28 (see rejection above).

As per claim 32, it is of similar scope to claim 25 and is rejected under the same rationale as claim 25 (see rejection above).

As per claim 33, it is of similar scope to claim 1 and is rejected under the same rationale as claim 1 (see rejection above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Takakura et al., U.S. Patent no. 5,752,053.

As per claim 8, which is dependent on claim 7, Anderson teaches the apparatus of claim 7 (see rejection above). Anderson does not teach the image processing apparatus according to claim 7, further comprising edition operation acceptance means for accepting a user's operation to edit arrangement and printing size of the image to be printed during said printing processing. Takakura et al. teaches edition operation acceptance means for accepting a user's operation to edit arrangement and printing size of the image to be printed (see Takakura, column 2, lines 44 – 49). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Anderson in order to allow a user to input an edit to arbitrary positions while observing a state of print binding.

As per claim 20, it is of similar scope to claim 8 and is rejected under the same rationale as claim 8 (see rejection above).

Claims 9, 10, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Chui et al., U.S. Patent no. 6,657,702.

As per claim 9, which is dependent on claim 1, Anderson teaches the apparatus of claim 1 (see rejection above). Anderson does not teach the image processing apparatus according to claim 1 wherein said specific image processing is a mail transmission processing. Chui et al. ("Chui") teaches wherein an image processing is a mail transmission processing (see Chui, column 17, lines 25 – 32).). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Anderson in order to allow the users to distribute images to recipients not located near the user.

As per claim 10, which is dependent on claim 9, Anderson teaches the apparatus of claim 9 (see rejection above). Anderson does not teach the image processing apparatus according to claim 9, further comprising mail preparation control means for controlling said mail transmission processing in such a manner that a new mail preparation processing of attaching the image indicated to be mailed/transmitted is performed during the mail transmission processing. Chui teaches mail preparation control means for controlling said mail transmission processing in such a manner that a new mail preparation processing of attaching the image indicated to be mailed/transmitted is performed during the mail transmission processing (see Chui, column 17, lines 25 – 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of

Anderson in order to allow the users to automatically distribute images to recipients not located near the user.

As per claim 21, it is of similar scope to claim 9 and is rejected under the same rationale as claim 9 (see rejection above).

As per claim 22, it is of similar scope to claim 10 and is rejected under the same rationale as claim 10 (see rejection above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

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